

By the Committee on Criminal Justice; and Senator Flores

591-03144-15

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1 A bill to be entitled  
2 An act relating to public records; amending s. 895.06,  
3 F.S.; providing an exemption from public records  
4 requirements for certain documents and information  
5 held by an investigative agency pursuant to an  
6 investigation relating to an activity prohibited under  
7 the Florida RICO Act; authorizing disclosure of such  
8 documents and information under certain conditions;  
9 providing for future legislative review and repeal of  
10 the exemption; providing a statement of public  
11 necessity; providing a contingent effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsection (7) is added to section 895.06,  
16 Florida Statutes, to read:

17 895.06 Civil investigative subpoenas; public records  
18 exemption.—

19 (7) (a) Information held by an investigative agency pursuant  
20 to an investigation of a violation of s. 895.03 is confidential  
21 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution.

23 (b) Information made confidential and exempt under  
24 paragraph (a) may be disclosed by the investigative agency to:

25 1. A government entity in the performance of its official  
26 duties.

27 2. A court or tribunal.

28 (c) Information made confidential and exempt under  
29 paragraph (a) is no longer confidential and exempt once all

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30 investigations to which the information pertains are completed,  
31 unless the information is otherwise protected by law.

32 (d) For purposes of this subsection, an investigation is  
33 considered complete once the investigative agency either files  
34 an action or closes its investigation without filing an action.

35 (e) This subsection is subject to the Open Government  
36 Sunset Review Act in accordance with s. 119.15 and shall stand  
37 repealed on October 2, 2020, unless reviewed and saved from  
38 repeal through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public  
40 necessity that the information held by an investigative agency  
41 pursuant to an investigation of a violation of s. 895.03,  
42 Florida Statutes, relating to an activity prohibited under the  
43 Florida RICO Act, be made confidential and exempt from s.  
44 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
45 State Constitution. Because a Florida RICO Act investigation  
46 conducted by an investigative agency may lead to the filing of a  
47 civil action, the premature release of the information held by  
48 such investigative agency could frustrate or thwart the  
49 investigation and impair the ability of the investigative agency  
50 to effectively and efficiently administer its duties under the  
51 Florida RICO Act, ss. 895.01-895.09, Florida Statutes. This  
52 exemption also protects the reputation of the potential  
53 defendant in the event that the investigation is closed without  
54 the filing of a civil action. Further, without this exemption, a  
55 potential defendant under the Florida RICO Act may learn of the  
56 investigation and dissipate his or her assets and thwart any  
57 future enforcement action under the act. Therefore, the  
58 Legislature finds that it is a public necessity that the

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59 documents and information held by the investigative agency  
60 pursuant to an investigation of a violation of s. 895.03,  
61 Florida Statutes, relating to an activity prohibited under the  
62 Florida RICO Act, be made confidential and exempt from public  
63 records requirements.

64 Section 3. This act shall take effect on the same date that  
65 SB 1514 or similar legislation relating to offenses concerning  
66 racketeering and illegal debts takes effect, if such legislation  
67 is enacted in the same legislative session or an extension  
68 thereof and becomes law.